

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MIGUEL A. CISNEROS,

Plaintiff,

v.

JIM ROBERTSON,

Defendant.

Case No. [20-cv-07861-HSG](#)

**ORDER ADDRESSING RECENT  
PLEADINGS; DENYING MOTION  
CONCERNING PROCESS AND  
PROCEDURES**

Re: Dkt. Nos. 51-57

Petitioner, an inmate at Salinas Valley State Prison, filed this *pro se* action seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Nearly a year ago, the Court dismissed this petition as procedurally defaulted, denied a certificate of appealability, and granted judgment in favor of Respondent. Dkt. Nos. 32, 33. Petitioner has filed numerous post-judgment pleadings in the record, Dkt. Nos. 34-39, 41, 43-46, 49, which the Court has denied in reasoned orders, Dkt. Nos. 42, 48, 50. Petitioner continues to file pleadings in this closed case. *See* Dkt. Nos. 51-57.

Similar to his previous post-judgment pleadings, Dkt. Nos. 51-56 request legal advice as to how to proceed, assert his innocence, and complain about the Ninth Circuit's failure to respond to his pleadings. *See generally* Dkt. Nos. 51-56. The Court summarily denies Petitioner's requests for legal advice and for reconsideration of the denial of habeas relief for the reasons set forth in the Court's earlier orders addressing these issues. *See generally* Dkt. Nos. 42, 48, 50. Should Petitioner have questions regarding the status of his appeal with the Ninth Circuit Court of Appeals, he should seek a status update from the Ninth Circuit. This Court cannot advise him as to the status of his appeal. Petitioner is reminded that any future pleadings requesting reconsideration of the dismissal of his habeas petition, repeating arguments previously made in prior pleadings, or advising the Court that he has not received a response to his filings will be


1 summarily denied.

2 In Dkt. No. 57, which Petitioner has titled “Notice Motion of Concerning Process and  
3 Procedures Ruling from the Court and Court’s Request for Concerns and Notices Request,”  
4 Petitioner alleges that an “abuse of process” has occurred because both the district court and the  
5 Ninth Circuit Court of Appeals have failed to abide by the procedures set forth in the Federal  
6 Rules of Appellate Procedure. Specifically, Petitioner alleges the following. The Fed. R. App. P.  
7 require the district court to order and prepare the official transcript of oral proceedings and send  
8 such transcript to the Ninth Circuit; and require the Ninth Circuit to set a briefing schedule or  
9 otherwise rule on his pleadings. Petitioner appears to be requesting that this Court forward the  
10 record to the Ninth Circuit and that the Ninth Circuit rule on his appeal. Petitioner’s request is  
11 DENIED. The Ninth Circuit has not yet ruled on Petitioner’s request for a certificate of  
12 appealability, so it is unclear if his appeal may proceed. Fed. R. App. P. 22(b)(1). Moreover, the  
13 district court record can be electronically accessed, so there is no requirement that the Court  
14 physically forward the record. See Fed. R. App. P. 22-1(b). To the extent Petitioner has concerns  
15 regarding how the Ninth Circuit is handling his appeal, Petitioner should direct those concerns to,  
16 and seek relief from, the Ninth Circuit by filing a request or motion in his appeal. This Court has  
17 no jurisdiction over Petitioner’s appeal.

18 This order terminates Dkt. No. 57. This case remains closed.

19 **IT IS SO ORDERED.**

20 Dated: 2/7/2023

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22 HAYWOOD S. GILLIAM, JR.  
23 United States District Judge  
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